



**STATE OF CONNECTICUT**  
*STATE BOARD OF EDUCATION*



**TO:** Superintendents of Schools  
Directors of Charter Schools  
Directors of Interdistrict Magnet Schools  
Executive Directors, Regional Educational Service Centers  
Directors of Special Education

**FROM:** Dr. Dianna R. Wentzell, Commissioner of Education

A handwritten signature in blue ink, appearing to read "DW", enclosed in a circular scribble.

**DATE:** December 5, 2016

**SUBJECT:** Residential Placements

As you may know, it has been the practice of the Department of Developmental Services (DDS) to provide funding to support residential placements for certain school-aged children with an intellectual disability on a case-by-case basis. Although DDS has understood its decision to provide funding in this area to be discretionary, its decision to do so has led to confusion regarding whether it has a legal obligation to fund such residential placements. As a result, DDS sought an opinion from the Attorney General of Connecticut regarding its fiscal responsibilities and the duties of local education agencies (LEAs) with respect to residential placements. The Attorney General issued an opinion letter, which can be accessed at [http://www.ct.gov/ag/lib/ag/opinions/2016/2016-01\\_residential\\_services.pdf](http://www.ct.gov/ag/lib/ag/opinions/2016/2016-01_residential_services.pdf).

In his opinion letter, the Attorney General agreed that DDS is not legally required under state law to pay for the cost of residential placements to school-aged children with disabilities, but is free to provide such services in its discretion, as has been the agency's practice. Due to current state budget constraints, DDS has determined that it must reevaluate its funding in this area. In this process, DDS may determine that it is no longer able to fund residential placements in certain cases. In such cases, DDS will advise the affected families or guardians to contact their LEA to request a planning and placement team (PPT) for their child in order to determine whether a residential placement is necessary under the Individuals with Disabilities Education Act (IDEA).

The State Department of Education (SDE) is assessing the implications of this development for LEAs and families. The SDE recognizes that a decision to discontinue funding a residential placement presents significant challenges for LEAs and affected families, and we are working to fully understand the potential impacts in order to provide further guidance and assistance. As part of this ongoing effort, I am providing the following summary of LEAs' responsibilities under the IDEA with respect to cases in which a residential placement is sought, in the hope that it will be useful.

As you know, LEAs are obligated to provide a free appropriate public education (FAPE) to students with disabilities pursuant to federal and state law. Under the IDEA, each student must be provided with an educational placement that allows the child to make meaningful educational progress. In some cases, a residential placement is found to be a necessary related service under the IDEA; in such cases, the law requires the LEA to pay for the cost of the placement.

Going forward, if an LEA receives notice from DDS or a parent or guardian of discontinuation of DDS funding for a residential placement, the LEA should conduct a PPT meeting in accordance with applicable special education laws. At the PPT meeting, the team must make a determination as to what services the student will need from the LEA in order to make educational progress, including whether the student requires a residential placement to make such progress. If a parent disagrees with the determination of the PPT, he or she may seek review of the decision through the complaint resolution process, mediation, or a hearing before a state-appointed hearing officer.

DDS maintains a critical role with respect to interagency collaboration in the transition planning process to support an effective transition from school to adulthood. Within its limited resources, the DDS Commissioner has assured me that her staff will strive to continue to provide insight and information regarding the DDS eligibility process, the services that are available, the individual needs of the young adult and what it means to transition to adult services.

Please share this information with your district's Special Education Director and school administrators and staff. If you have questions or concerns, you may contact the SDE Division of Legal and Governmental Affairs at 860-713-6520.

DRW:ph

cc: Morna A. Murray, Commissioner, Department of Developmental Services

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